

## **EXHIBIT A**

**Yothers, Stuart W.**

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**From:** Julio Gomez <JGomez@smcomplex.com>  
**Sent:** Friday, July 7, 2023 5:48 PM  
**To:** Yothers, Stuart W.; Ryan, Colleen Noonan; Holmes, Jacqueline M.; Kurtenbach, Collin  
**Cc:** David Stone; Robert Magnanini; Robert Goodman; Stephen Schweizer; Tara Saybe; Vanessa Espinal; Deava Gall; Rachel Ruffino  
**Subject:** Hayden v. IBM - Ramamurthy Notes Follow up

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Stuart,

Since the Court ordered the parties to meet and confer on the production of Mr. Ramamurthy's notes, we write further to my email of June 29, 2023 and David's email sent yesterday, July 6, 2023.

The Court also ordered plaintiff to "provide any dates that they are aware of that there was a meeting to have happened" and ordered Defendants to "check those dates to see if there's anything regarding that." Tr. 36:9-15. Plaintiff provides such dates below.

Additionally, the Court asked Plaintiff "what it is that you would want also to include in what's being looked at that you think might be able to get information relating to this case?" As explained to the Court in pertinent part, Mr. Ramamurthy is the industry platform strategist; in June and July of 2017 he is presented with Plaintiff's trade secrets, at a time when IBM is developing a platform and hybrid cloud strategy; Mr. Ramamurthy directs Hayden and his team meet with Tom Eck, Anthony Lipp and Bill Fuessler who express interest in Mr. Hayden's trade secrets; thereafter Messrs. Suarez, Fuessler and Ramamurthy discuss Mr. Hayden's ideas and Hayden's team is subsequently told that no one is interested; thereafter, Mr. Ramamurthy with others begins to develop a platform, denominated initially as "Banksy," and later IBM's Open Banking platform, which subsequently becomes the precursor to the Cognitive Enterprise, and ultimately incorporates Intelligent Workflows – an alias for Mr. Hayden's core integrated workflows trade secret. IBM is repositioned as an industry-wide "platform" company, and IBM begins to market a platform with elements similar to Mr. Hayden's architectures which result in "wins" for IBM in banking, insurance and healthcare industries.

Plaintiff expressed to the Court a need to "see anything relating to Ramamurthy' meeting with Eck about those subjects." Tr. 39:18-20. The Court agreed with Plaintiff's position that "[i]f its' as plaintiff has said, which they said they weren't interested and they essentially did the same thing through open platform, banking platform, and there's lots meetings on the open banking platform after that, that is relevant." Tr. 40:23-41:2. The Court also cautioned, "So I don't want this so narrowly done that it's missing out on what could be reasonably calculated to lead to the discovery of admissible evidence..." Tr. 41:3-5. The Court expressly ordered, "I don't want them so narrowly defined as what's being produced as what the defendants have proposed at this time. Nor do I think the defendants don't have a responsibility to themselves to figure out what dates there might have been meetings on the A2E issues and what happened thereafter relating to it. So I expect to hear about that on July 12 also." Tr. 41:16-24.

With these orders in mind, Plaintiff requests that Defendants search for and produce Mr. Ramamurthy's notes concerning the following dates, persons, and subjects or products.

Dates – all notes on or about these dates:

1. **January 18, 2017** – the date of Bingham's first email to Ramamurthy introducing him to Hayden's trade secrets (GH-00015473)
2. **February 14, 2017** – the date that Ramamurthy received a draft slide presentation from IBM's storyteller entitled " Understanding Fintechconomics" which incorporated Hayden's trade secrets (IBM-HAYDEN-000213353)
3. **June 8, June 14 or June 19, 2017** – the date of his meeting with Bingham and Hayden's team (IBM-HAYDEN-000223135; IBM-HAYDEN-000097666; IBM-HAYDEN-0001000010)
4. **July 11, 2017** – the date of a meeting between Pablo Suarez and Hayden and his team about A2E (IBM-HAYDEN-000105142)
5. **July 19, 2017** – the date of his second meeting with Hayden and his team (IBM-HAYDEN-000107514; IBM-HAYDEN-000217675; IBM-HAYDEN-000250425; IBM-HAYDEN-000250426; IBM-HAYDEN-000103559; IBM-HAYDEN-000245909; IBM-HAYDEN-00223139; IBM-HAYDEN-000217678; IBM-HAYDEN-000250425)
6. **July 25, 2017, August 4, 2017 and October 4, 2017** – the date Hayden and his team met with Tom Eck (IBM-HAYDEN-000111983; IBM-HAYDEN-000109399); IBM-HAYDEN-000111728; IBM-HAYDEN-000111846; IBM-HAYDEN-000111983; IBM-HAYDEN-000111995)
7. **August 21, 2017** – the date Hayden and his team met with Anthony Lipp (IBM-HAYDEN-000522058; IBM-HAYDEN-000123298; IBM-HAYDEN-000115742)
8. **September 26, 2017** – the date Bill Fuessler emails Ramamurthy about his meeting with Hayden and his team (IBM-HAYDEN-000550937)
9. **September 30, 2017** – the date of Bingham's update to Ramamurthy re meetings with Fuessler, Ron Lefferts and Anthony Lipp (IBM-HAYDEN-000126986)
10. **October 5, 2017 and a meeting in November 2017** – the date Hayden and his team met with Bill Fuessler (IBM-HAYDEN-000231249; IBM-HAYDEN-000231251; IBM-HAYDEN-000522159)
11. **October 9, 2017** – the date that Hayden emails Suarez about his IP (IBM-HAYDEN-000231279)
12. **October, 2017 (possibly October 13, 2017)** – the date of his meeting or call with Suarez and Fuessler concerning Hayden's trade secrets and the information Hayden and his team presented (as per Ramamurthy's October 6, 2017 email (IBM-HAYDEN-000231253); see also IBM-HAYDEN-000364286 (referencing platform incubation strategy meeting or call)).
13. **October 17, 2017** – the date that Hayden's team met with Bill Fuessler (IBM-HAYDEN-000132950)
14. **October 25, 2017** – the date of a meeting between Ramamurthy, Devika Thapar and Tom Eck (IBM-HAYDEN-000364685)
15. **October 30, 2017** – the date that Hayden and Bingham walked Krishnan Ramachandran through presentation given to Ramamurthy (IBM-HAYDEN-000137540)
16. **October 31, 2017** – the date Hayden's team met with Randy Rodriguez at Bluelwolf (IBM-HAYDEN-000137945; *see also* IBM-HAYDEN-000219372; IBM-HAYDEN-000262913)
17. **November 7, 2017** – the date Cohen emailed Sarah Diamond about meetings with Ramamurthy and others (IBM-HAYDEN-001521767)
18. **November 10, 2017** – the date Cohen emailed Katy Ricci and Anthony Lipp referencing Lipp's statement that management has been thinking about an IBM Platform strategy and this could be it (IBM-HAYDEN-000141539)
19. **November 10, 2017** – the date of an email from Alistair Rennie to Bridget Van Kralingen about Fintech Strategy and the Fall Plan (IBM-HAYDEN-001402818; *see also* IBM-HAYDEN-000943341)
20. **November 13, 2017 and or November 20, 2017** – the date of Lipp's email requesting another meeting with Hayden and his team (IBM-HAYDEN-000277804; IBM-HAYDEN-000143444)
21. **November 14, 2017** – the date Hayden emails Suarez, Lipp and others re Equifax discussions (IBM-HAYDEN-000142330)
22. **November 15, 2017** – the date Bingham emails Suarez re Hayden's platform strategy (IBM-HAYDEN-000219553)
23. **November 15, 2017** – the date of email referencing a call with Anthony Lipp and or Sarah Diamond (IBM-HAYDEN-000142617)
24. **November 20, 2017** – the date Bingham reports on Hayden's team's progress to Suarez (IBM-HAYDEN-000219642)

25. **November 20, 2017** – the date of another meeting between Hayden, his team and Anthony Lipp re A2E (IBM-HAYDEN-000123298)
26. **November 27, 2017** – the date Cohen emails Fuessler about deeper dive on the BaaP solution (IBM-HAYDEN-001533891; see also IBM-HAYDEN-000144580)
27. **December 5, 2017** – the date Fuessler emails Cohen refusing to meet about BaaP (IBM-HAYDEN-000551445)
28. **December 17, 2017** – the date a presentation of the platform is scheduled by Hayden to Ramamurthy, Lipp, Fuessler, Trinh and others (IBM-HAYDEN-000149908)
29. **February 1<sup>st</sup> and 2<sup>nd</sup> 2018** – the date of the IPU Kickoff presentations by Ramamurthy attended by Bingham
30. **Any dates that Ramamurthy discussed Fall Plans with Mark Foster or Alistair Rennie**

*Persons – all notes that reference Ramamurthy's meetings or discussions with the following individuals:*

31. **Pablo Suarez**
32. **Bill Fuessler**
33. **Anthony Lipp**
34. **Tom Eck**
35. **Peter Korsten**
36. **Anthony Marshall**
37. **Alistair Rennie**
38. **Mark Foster**
39. **Paolo Sironi**
40. **Jesus Mantas**
41. **Joseph Bellissimo**
42. **James Cammarata**
43. **David Trinh**
44. **Jean Stephane Payaradeau**
45. **Sajal Mukherjee**
46. **Ron Lefferts**
47. **Likit Wagle**
48. **Kwafo Ofori Boateng**
49. **Rajiv Chodhari**
50. **Sarah Diamond**
51. **Bridget Van Kralingen**
52. **Virginia Rometti**
53. **Ramachandran**
54. **Chae An**
55. **Devika Thapar**
56. **Wendy Oliver**
57. **Drew Hyatt**
58. **Daniel Bingham**
59. **Steve Cohen**
60. **Gerald Hayden**

*Subjects – any notes concerning the following subjects, products or customers:*

61. **The 2017 Fall Plans for Industry Platforms and Banking and Financial Services** – These plans prepared at the end of 2016 reveal IBM's platform and business strategies before Mr. Ramamurthy met with Hayden and was presented with his trade secrets.
62. **The 2018 Fall Plans for Industry Platforms and Banking and Financial Services** – These plans prepared at the end of 2017 demonstrate a radical departure from previous strategies and incorporation of Hayden's trade secrets.

63. **The 2019 Fall Plans for Industry Platforms and Banking and Financial Services** – These plans prepared at the end of 2018 demonstrate further incorporation of Hayden's trade secrets.
64. **The February 2018 Kickoff Meeting** – Mr. Ramamurthy began to incorporate aspects of A2E in his kickoff presentations, which Daniel Bingham witnessed, specifically referring to IBM's pivot to offer platforms with iphone-like qualities, allowing customers to try and buy features and functions through various APIs, as set out in Hayden's trade secret; the elements of the go-to-market plans announced at this meeting resemble Hayden's trade secret market strategy.
65. **Committees** – Hayden and Bingham were removed from certain committees; any notes concerning Mr. Ramamurthy's decision to remove them.
66. **Secret Committee** – Mr. Ramamurthy admitted that he formed an ad-hoc committee to help him develop the Industry Platform Strategy.
67. **Red Hat Acquisition** – IBM completed the Red Hat acquisition in July 2019; Mr. Ramamurthy sat on a committee that voted to recommend mergers and acquisitions; RedHat was necessary to expedite IBM's ability to incorporate hybrid cloud into its platform strategy
68. **Cognitive Enterprise** – Mr. Ramamurthy took credit for developing and leading the Cognitive Enterprise strategy; intelligent workflows is the core concept of the Cognitive Enterprise and incorporates Hayden's trade secret
69. **Intelligent Workflows** – consists of integrating workflows enabled by analytics and data – these are concepts that come directly from Hayden's trade secret – any notes concerning the development and marketing of intelligent workflows (a.k.a. cognitively-enable workflows; enterprise workflows; integrated workflows; automated workflows) are relevant and should be produced.
70. **Banksy** – the name of the initial platform developed by IBM in conjunction with Citicorp that evolves into the open banking platform
71. **IBM Open Banking Platform** – the more developed banking platform incorporating Hayden's A2E trade secret elements
72. **IBM Cloud for Financial Services** – another version of a platform incorporating Hayden's A2E trade secret elements
73. **Cloud Pak** – a package of software applications necessary to operationalize a Cognitive Enterprise platform employing intelligent workflows
74. **API Connect** – another software applications package necessary to operationalize a Cognitive Enterprise platform employing intelligent workflows
75. **Business Process Platform** – the precursor platform before Hayden's trade secrets were incorporated by IBM
76. **ix Garage** – the division established by IBM to tailor and install IBM's platform to a customer's specific IT systems
77. **Bluewolf Lightning Bolt products** – the products identified by David Trinh as incorporating Hayden's A2E
78. **Citicorp** – the company that worked with IBM to develop the initial Banksy, and later, Open Banking Platform that evolved into the Cognitive Enterprise
79. **OP Bank** – a bank that Ramamurthy presented platform proposals to
80. **Banco Santander** – another bank that Ramamurthy presented to
81. **WestPac** – another bank that Ramamurthy presented to
82. **The "Intelligent Workflows" clients listed on pages 19-21 in IBM's Cognitive Enterprise Weekly Review, July 12, 2019 (IBM-HAYDEN=000816880)**

Plaintiff reserves the right to seek additional excerpts of Mr. Ramamurthy's notes upon receipt and review of Defendants' responses.

**Julio C. Gomez**

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